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**PERMANENT MISSION OF THE CZECH REPUBLIC
TO THE UNITED NATIONS, OSCE AND OTHER
INTERNATIONAL ORGANISATIONS
*in Vienna***

**OSCE Conference on Racism,
Xenophobia, and Discrimination
4 – 5 September 2003, Vienna**

Delegation of the Czech Republic

**Information about Activities realized by the Czech Republic to combat Racism,
Xenophobia and Discrimination**

Legislative changes

Several changes to the national legislation were made in 2002 to improve the protection against discrimination. An expert working group worked on a comprehensive act to regulate protection against discrimination.

Until the adoption of the 2002 amendment to the Code of Civil Procedure, the burden of proof was shifted to the violator only in the case of gender-related discrimination in employment. The amendment broadened this reverse onus clause to cover discrimination in employment on the grounds of race or ethnic origin, religion, faith, appearance, disability, age and sexual orientation. The reverse onus clause is even broader in cases of discrimination on racial or ethnic grounds, where the burden of proof is shifted to the violator also in areas such as health care and social welfare services, access to education and training, access to government contracts, membership in employee/employer unions and in professional and other associations, sale of goods in shops or the provision of services.

According to the amended Code of Civil Procedure as well as the new Code of Administrative Procedure introduced in 2002, a party seeking judicial protection against discrimination can be represented by a civic association. Likewise, under the Consumer Protection Act, also amended in 2002, civic associations may request a court to order a violator to refrain from unlawful conduct relevant to consumer protection. In both cases, a civic association is eligible to represent parties in court provided that its activities as defined in its constitution include protection against discrimination.

The legal safeguards against discrimination are strongest in the sphere of labour law. Beside the Labour Code, anti-discrimination clauses are included in the new Act to regulate the service of civil servants in administrative authorities and the remuneration of such servants and other employees of administrative authorities (Public Service Act) adopted in 2002. This legislation ensures the equal treatment of all civil servants and prohibits any discrimination in service relations on a number of grounds. It also expressly states that the victim may request a court to order the violator to refrain from the discriminatory actions and to rectify the consequences of such actions, and that the victim may claim reasonable compensation. A civil servant whose human dignity or reputation has been seriously violated in service relations is entitled to financial compensation for non-proprietary damage. The burden of proof is again shifted to the violator: according to the Act, in proceedings concerning service relations, discrimination on the grounds of sex, nationality or race is deemed to be proved unless there is enough evidence to the contrary.

The Regular Soldiers Act also contains an anti-discrimination clause prohibiting discrimination on many grounds. Its scope is further broadened by the amendment adopted in 2002 which prohibits discrimination on the grounds of nationality, pregnancy or motherhood as well as the discriminatory treatment of nursing servicewomen.

Another contribution to legal safeguards against discrimination will be the amendment to the Radio and Television Broadcasting Act prohibiting the broadcasting of advertisements and teleshoping programmes with elements of discrimination on the grounds of sex, race, colour, language, national or social origin or belonging to a national or ethnic minority.

Additional changes have been made in the sphere of criminal law. In previous practice, the judicial interpretation of terms such as "race" or "racial" was in several isolated cases too narrow. As a result some attacks obviously motivated by racial hatred especially against persons belonging to the Roma community were not recognized as racial crimes. Accordingly the 2002 amendment to the Criminal Code broadened definitions of some crimes, including violence against a group or against an individual (Section 196), defamation of a nation, race and conviction (Section 198) and incitement to hatred for a group of persons or to restriction of their rights and freedoms (Section 198a), bodily harm (Section 221-224) and murder (Section 219), in order to provide protection against serious attacks motivated by hatred for an ethnic group. The penalties for incitement to hatred for a group of persons or to restriction of their rights and freedoms are stricter if the crime is committed through the use of massmedia, including publicly accessible computer networks, or if the offender actively participates in activities of organizations promoting discrimination, violence or "racial, ethnic or religious non-freedom".

Comprehensive anti-discrimination legislation

An act to regulate equal treatment and protection against discrimination (Anti-Discrimination Act) is currently in the drafting stage. It will ensure equal treatment and protection against discrimination on the grounds of race or ethnic origin, sex, sexual orientation, age, disability, religion or faith, language, political and other opinion, nationality, membership or activity in political parties or political movements, trade unions and other association, social origin, property, birth, health condition, personal status, obligation to support a family, or other status.

The legislation will safeguard equal treatment and protection against discrimination in employment, including remuneration, right to employment and access to employment, business and other independent gainful activity, membership and activity in professional chambers and the advantages offered by such organizations to their members, membership and participation in trade unions or employer's unions, social security and benefits, health care, education and access to goods and services available to the public, including housing.

The legislation will define direct and indirect discrimination (the term will cover also harassment and persecution), lay down the rules for equal treatment, including exceptional cases where differences in treatment do not constitute discrimination, as well as the rules for affirmative action. It will provide legal tools for the protection against discrimination (the right to request that the violator refrain from discriminatory actions, the right to demand rectification of the consequences of discriminatory actions, the right to claim reasonable financial compensation for non-proprietary harm).

The legislation should provide institutional safeguards in the area of equal treatment and protection against discrimination. A possible solution suggested at this stage is to create an Equal Treatment Centre to help victims of discrimination to obtain legal assistance, to mediate, to make recommendations and comments and to conduct independent surveys. The new act should take effect on 1 May 2003.

Concepts and Strategies of the Government of the Czech Republic

➤ Concept of Educational Activities in Combating Extremism

Under Government Resolution No. 903 of 12 September 2001, the 'Report on the Problem of Extremism in the Czech Republic in 2000' was approved. In the scope of other measures adopted to combat extremism (an annex to the Resolution), the Minister of Education, Youth, and Sport was set the task of presenting the government, by 31 December 2001, with a draft concept of educational activities in the area of combating extremism. The material has also been drawn up in accordance with Government Resolution No. 1054 of 10 October 2001 on combating terrorism. The concept, which was approved under Government Resolution No. 268 of 18 March 2002, is based on an analysis of the coverage of issues of extremism in current teaching documents for primary and secondary education which stem from a methodical instruction from the Ministry of Education, Youth, and Sport concerning education preventing manifestations of racism, xenophobia, and intolerance.

The concept of educational activities in combating extremism views a key factor, in the scope of the primary and secondary education system, to be a reinforcement of teaching on legal literacy in connection with racism, xenophobia, and extremism, especially in the vocational education system. It also stresses the need to improve communication and prevent conflict, the cultivation of young people's historical awareness, especially as regards the history of the 19th and 20th centuries, and support for the creation of teaching aids and sociological research. The concept recommends that the head teachers of schools secure grants for the social-science elements of education in relation to the themes in question, use project methods in education, supply school libraries with the relevant literature, encourage a full-day educational system, and support the further training of teachers.

In its final section, the concept proposes specific tasks designed to elaborate the concept, and sets deadlines for their fulfillment. The tasks concerning the production of projects, the publication of textbooks and publication materials for children and teachers, and further teacher training are mainly in the competence of the Czech Ministry of Education, Youth, and Sport, and in exceptional cases they may be in the competence of the Ministry of the Interior or Ministry of Justice. The concept has been designed as a cross-sectional project for the whole sphere of education and has been conceived with special consideration for the upbringing and education of Roma, foreigners, and migrants; it also takes into consideration the problems of national minorities living in the Czech Republic.

➤ Concept of Social Work in the Sphere of Preventing and Combating Extremism

Under Government Resolution No. 903 of 12 September 2001, the Minister of Labour and Social Affairs was set the task of presenting the government, by 31 December 2001, with a draft concept of social work in the sphere of preventing and combating extremism. The concept, approved by the government under Resolution No. 169 of 20 February 2002, defines the role of social work in preventing and combating extremism, identifies the areas where it would be appropriate to apply the

methods of social work, and proposes specific steps leading to restrictions in manifestations of racism and xenophobia in the Czech Republic.

The concept stresses the need to make an impression on children and young people, for whom accepting what the extremist movements offer is an attractive means of escaping the position and social situation they find themselves in. There is also an emphasis on the methodical management of social workers and cooperation with other institutions, in particular the Probation and Mediation Service, the bodies active in criminal proceedings, educational institutions, social service providers, Roma coordinators and advisers, and the National Committee for the Prevention of Criminality.

The material includes the following as areas of social work: identifying potential risk situations out of which manifestations of extremism could arise; encouraging changes in lifestyles and attitudes which lead to such manifestations; in the case of offenders who commit crimes with an extremist undertone, encouraging their interest and motivation as regards the consequences of their action; and promoting a range of opportunities of coping with prejudice, anguish, and aggressiveness.

The main means of prevention in this respect will be social prevention programmes at a local level (in cooperation with the National Committee for the Prevention of Crime), including the effective monitoring of their implementation. There will also be cooperation at departmental level (an educational programme for social workers and workers from the Probation and Mediation Service), and support of cooperation at a local level (the development of mediation, the appointment of supervisory conditions), the promotion of a systematic approach to child and youth offenders who commit crimes with an extremist subtext (the expansion of prevention centres and cooperation with the coordinators of Roma advisers in the regions and districts), and a grant policy operated by the Ministry of Labour and Social Affairs of the Czech Republic.

➤ **Concept of Probation and Mediation Activities in the Framework of Combating Extremism**

Under Government Resolution No. 903 of 12 September 2001, the Minister of Justice was set the task of submitting, by 31 December 2001, a draft concept of probation and mediation activities in the scope of combating extremism. The concept follows up on Act No. 257/2000 Coll. on the Probation and Mediation Service, under which a new judiciary service was established. The centres of this new service are active throughout the Czech Republic in carrying out activities concerning probation (the supervision and control of the serving of sentences not entailing imprisonment) and mediation (out-of-court mediation in settling disputes between the accused and the injured parties) in matters discussed in criminal proceedings. The Probation and Mediation Service combines activity in the field of *social work and law* and in the field of crime with an extremist undertone. The Probation and Media Service concentrates in particular on young people and young adults, who are usually given non-prison sentences for crimes with an extremist subtext. The Probation and Mediation Service is irreplaceable in that it can offer very specific probationary programmes or, in the scope of suspended sentences, it can monitor the observance of set restrictions and duties. Of the two services, probation focusing on group behaviour is the predominant feature. Mediation is a supplementary instrument. The aim of both these devices, at least

in the case of extremist-motivated crime, is to suppress the deep-rooted prejudices and aggressiveness frequently connected inferiority complexes by promoting respect for different opinions and attitudes.

In the context of extremist-motivated crime, the Probation and Mediation Service will carry out tasks in the following areas: *information and analytical activity* (a selection of cases where it would be appropriate and expedient to apply probation and mediation), *coordination activity* (the development of cooperation between the Probation and Mediation Service and the relevant entities in the scope of suppressing extremism), *work to the public benefit, restrictions and obligations imposed by a court* (improved cooperation with families), *the creation and implementation of probation programmes, medication between the accused and the injured parties* (encouraging offenders' willingness to find solutions to the consequences of their crime), and *further improvements in the qualifications of Probation and Mediation Service employees*.

In order to ensure the implementation of the above-mentioned tasks, the director of the Probation and Media Service will present the Ministry of Justice with, for example, an analysis of the occurrence of crime with an extremist undertone for the requirements of probation and mediation activities, the draft of a model probation programme, a list of institutions specializing in these types of offender, and a proposal to include the problem of extremism in the system of further education of Probation and Mediation Service workers.

➤ **Concept of the Government Policy to Integrate Roma into Society**

Two programmes for the integration of persons belonging to Roma communities ("Support for Roma Secondary School Students" and "Support for Field Workers") have been implemented each year since 2000. In 2002 10 million CZK were allocated under the programme "Support for Roma Secondary School Students". The purpose of the programme is to facilitate the access to secondary schools for children whose families would find it hard to support them during studies. The allocated sums cover, fully or in part, the school fees charged by private schools, board and lodging provided by schools, school things, protective work clothing, etc. required by schools. In 2002 a total of CZK 8,397,000 was paid on behalf of 2,427 applicants.

Additional CZK 10 million were allocated under the programme "Support for Field Workers". Since its introduction the programme has considerably expanded and today the organizers regard it as the most effective tool for preventing, minimizing or eliminating the social exclusion of Roma communities or its consequences. In 2002 the programme covered 22 district offices and 29 municipalities employing 71 field workers with a total of 8,673 clients in 81 communities of various sizes and structures in different locations.

In 2002 additional funds totalling CZK 3,450,000 were allocated to support a number of other Roma integration projects in the fields of education and culture. The Roma Secondary School of Social Law in Kořín received CZK 1 million, the Museum of Roma Culture in Brno CZK 1, 200,000 and the Roma studies department at the Faculty of Arts of Charles University received CZK 500,000.

On 23 January 2002, under Government Resolution No. 87 the government approved the updated version of the Concept of Roma Integration, which is based on the preceding version approved by Government Resolution No. 599 of 14 June 2000, and also assesses the experience gained from the implementation of the concept. The concept sums up all the hitherto measures of the government and offers a conceptual summary of tasks for the future. Integration programmes based on affirmative action focus on education, employment, social and health care, and housing. The government evaluates the implementation of all government resolutions concerning the integration of Roma communities once a year and takes this opportunity of updating the concept of Roma integration.

The overwhelming majority of Roma community integration funding comes from the resources of individual ministries as they carry out their tasks in the scope of the concept of Roma integration, e.g. the support of education (Ministry of Education), crime prevention, improvements on awareness, counselling, and community work (Ministry of the Interior), cultural, educational, and leisure activities (Ministry of Culture), employee and social programmes (Ministry of Labour and Social Affairs), and housing (Ministry for Local Development). Other funding to support Roma integration projects is provided directly out of the central government budget every year, whereby the application of these resources is again proposed by the individual ministries on the basis of recommendations by the Government Council for Roma Community Affairs. In 2001, these resources amounted to CZK 25 million and were used in the scope of the following programmes: social integration (CZK 6,530,000), social upbringing (CZK 4,300,000), support for Roma students at secondary schools (CZK 6,837,000), support for social workers in the field (CZK 6,060,000), research into the issue of constructing low category flats for rent dodgers with regard to the Roma minority (CZK 500,000), the qualified participation of the Roma in the census carried out in 2001 (CZK 536,000).

Government Resolution No. 243 of 12 March 2003 approved the second updated version of the Concept of Roma Integration. Its main purpose is to promote conflict-free coexistence of persons belonging to Roma communities and the majority society. To this end the Concept sets six priorities:

- to remove the external barriers preventing the integration of persons belonging to Roma communities into the society, especially to eliminate all forms of discrimination against individuals and groups on the grounds of race, colour, nationality, language, membership of a national or ethnic group;
- to assist in removing the internal barriers that prevent the integration of persons belonging to Roma communities into the society, especially in eliminating the handicaps caused by a lack of education and professional qualifications;
- to work for social advancement of persons belonging to Roma communities, especially to reduce unemployment, improve their housing and health situation, to prevent social exclusion in Roma communities and to rectify its consequences;
- to ensure the development of Roma culture and language;
- to foster a climate of tolerance without prejudices, in which membership of a group defined by race, colour, language or national origin does not constitute the grounds for different treatment of an individual;
- to ensure security for persons belonging to Roma communities.

- **Analysis of the possibility to intensify and improve the efficiency of work aimed to prevent, and eliminate the consequences of, social exclusion in Roma communities by means of designating a special agency for that purpose**

The Analysis examines the current policies against social exclusion and the need for new approaches with regard to the changing situation in Roma communities as well as in the public administration. It notes that the steps intended to eliminate and prevent social exclusion and to support the integration of Roma communities have a low success rate mainly due to the absence of a comprehensive approach. Each responsible ministry focuses on its own specific responsibilities; however, the problems of social exclusion are comprehensive, complex and interlinked. Most persons belonging to Roma communities struggle with the vicious circle of impeded access to good housing, to education and to opportunities for gainful activity. The lack of progress is also due to the weak institutional support for the Concept. In the process of the public administration reform some of the central government's functions have been transferred to regional and municipal governments. As a result, the central government cannot influence the policies pursued by local governments in areas where social exclusion on ethnic grounds does occur. Accordingly, the Analysis concludes that an independent agency for the integration of Roma communities should be established to ensure direct social intervention in such cases. The Government took note of the Analysis, but did not instruct the responsible minister to establish the Agency so far.

- **The National Strategy for the Work of the Czech Republic in respect of National and Ethnic Minorities**



The National Strategy prepared by the Ministry of the Interior in 2002 covers the approach to Czech citizens belonging to national minorities (especially the Roma) as well as various categories of aliens living in the Czech Republic. It proposes mechanisms and measures for communication with minorities and explores ways how to involve them in police work.

Anti-racism Campaign in 2001 and 2002

In 2001, an Anti-racism Campaign was implemented at two levels. The first part of the Campaign was connected to ongoing projects, in particular the anti-racism campaign run as part of the Alternatives Project, financed by the European Union (Phare 1999). Nongovernmental organization People in Need held two promotional campaigns. The first was an extension to the advertising campaign 'Be Kind to Your Local Nazi', which was part of the Alternatives Project. The campaign, this time implemented on advertisement carriers (posters, leaflets, etc.) and in the media, depicted members of neo-Nazi movements as 'slow-witted, outmoded individuals who at most deserve our sympathy'. According to sociological surveys, this part of the campaign reached out to a large number of people and despite its unconventional nature was mainly given a positive rating.

The second part of the campaign was a continuation of the 'Coexistence Project', run via the partner organization League of National Minorities of the Czech Republic. The basic theme consisted of

pictures of national minorities with the slogan 'We live here with you'. This second campaign was less controversial, but registered a much lower response from the public.

In 2002, the Campaign will be implemented at a cost of CZK 6,000,000 and will be divided into the following projects:

a) 'National Minorities in the Libraries: Information and Media Campaign at a Regional and Local Level' (run by the Prague Multicultural Centre, Civic Association, registration number: 70098085, Praha 3, Prokopova 9, up to a sum of CZK 1,700,000);

b) 'Media Presentation of Roma Social Work in the Field' (run by Athinganoi, Civic Association, registration number: 69057451, registered office: Praha 1, Na Porící 12, up to a sum of CZK 1,700,000);

c) 'Multicultural Centre and Course of Seminars at an Antiracist Focused Music Festival' (People in Need - A Czech Television Company, registration number: 25755277, registered office: Praha 4 - Kavčí Hory, up to a sum of CZK 1,600,000);

d) 'Educational Campaign at Secondary Schools with Interactive Elements' (run by Tolerance Society, registration number: 26199408, registered office: Praha 1, Široká 14/65, up to a sum of CZK 1,000,000).

In 2002 the campaign against racism included four basic elements, each designed for a different target group:

✓ **Public information and media campaign at the regional and local levels– "Diversity in Libraries"**

The purpose of the project was to teach people more about various cultures and ethnic groups and to promote tolerance for the different lifestyles and attitudes of various communities living in the Czech Republic. In consultation with experts the organizers choose nine Czech books on multicultural and minority topics, ranging from historical studies and surveys to fiction and children's books. The books mostly concern the Roma community – the largest minority group in the Czech Republic. Additional five titles were donated by various organizations and institutions. The result was a pool of fourteen titles which are not normally available in public libraries.

Sets of fourteen new books were then distributed to 500 public libraries participating in the project. The library staff were briefed on racism and xenophobia and the role of literature in countering these problems. The project was accompanied by a publicity campaign, including the website www.lidectete.cz and nineteen public events (nine for children and ten for adults).

✓ **Presentation of Roma fieldwork in the media**

The purpose of the project was to disseminate information about fieldwork in the Roma community, especially in underprivileged areas. Despite its successful record in addressing the social situation of marginalized groups, fieldwork is often misunderstood due to lack of information. The project targeted the staff of public authorities, students of pedagogy and social sciences as well as the general public. Information about fieldwork was disseminated through various channels, by recruiting and training new fieldworkers and publicizing the results of their work.

✓ **"Nazi Info Tent" and seminars at an anti-racist music festival**

The anti-racist music festival "Music Beats Local Nazi" took place in September 2002 in Prague as a continuation of the campaign "Be Kind to Your Local Nazi" organized in 2001. The purpose was to inform and educate, as well as to entertain. The project was accompanied by a public information and education campaign.

The "Nazi Info Tent" at the festival (a circus tent 30m in diameter) hosted an exhibition, three public debates (one hour each), and screenings of documentary films on racism and extremism (roughly seven hours). The exhibition comprised of seven panels with photographs and texts on the image of minorities in the media, xenophobia and racial discrimination, antisemitism, neo-Nazism, ghettos, refugee camps, victims of racial violence.

✓ **Educational campaign with interactive elements "Riding Together"**

The campaign was a continuation of an anti-racist project targeting secondary school students in the Czech Republic. Multiethnic teams of lecturers visited secondary schools to discuss tolerance, prejudices, racism and related issues. The students were invited to participate in a psycho-sociological game.

In 2002 the range of topics was broadened to include refugees and migration. Each four-member team included a Roma lecturer, a foreign student and a refugee. Since young people are more ready to accept the views stated by someone of their own generation rather than the generation of their parents, all team members were between 19 and 25 years old (their audience were students between the ages of 14 and 18). All team members were trained to handle crisis situations. They visited 60 schools in fourteen towns in all parts of the Czech Republic and addressed roughly 3,500 students. In 2002 they also distributed questionnaires for the purpose of a survey of the attitudes and views of secondary school students as well as for feedback purposes.

